

# **CITY COUNCIL AGENDA**

**JANUARY 13, 2004**

## **SYNOPSIS**

LINDA J. LE ZOTTE  
FORREST WILLIAMS  
CINDY CHAVEZ  
CHUCK REED  
NORA CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER  
TERRY O. GREGORY  
DAVID D. CORTESE  
JUDY CHIRCO  
PAT DANDO, VICE MAYOR

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

**The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.**

Agendas and Staff Reports for City Council items may be viewed on the Internet at [www.sanjoseca.gov/clerk/agenda.htm](http://www.sanjoseca.gov/clerk/agenda.htm)

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**  
9:33 a.m. - Closed Session, Room 600, City Hall  
**Absent – Council Members: None.**  
  
1:30 p.m. - Regular Session, Council Chambers, City Hall  
**Absent – Council Members: None.**  
  
7:00 p.m. - Public Hearings, Council Chambers, City Hall  
**Absent – Council Members: None.**
- **Invocation (District 1)**  
**Dr. P. T. Mammen, Central Church of the Nazarene led the Invocation.**
- **Pledge of Allegiance**  
**Mayor Gonzales led the Pledge of Allegiance.**
- **Orders of the Day**

## **1 CEREMONIAL ITEMS**

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- 1.1** Presentation of a commendation to Sunset Plaza for their commitment to economic development and investment in District Five. (Campos)  
**Mayor Gonzales was joined at the podium by Council Member Campos to present a commendation to Cindy Vu and Don Vu from the Sunset Plaza for their commitment to economic development and investment to District Five. Cindy Vu thanked the community of San José, Mayor Gonzales and the City Council for the honor of the commendation.**

# 1 CEREMONIAL ITEMS

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- 1.2 Presentation of plaques to Dawn Davis for 6 years 7 months service on the Advisory Commission on Rents; to Miriam Ayllon for 6 years service on the Housing Advisory Commission; to Lisa Gonzales for 2 years 1 month service on the Housing Advisory Commission; to Linda Starr for 2 years 6 months service on the Human Rights Commission; to Miguel Chacon for 3 years service on the Small Business Development Commission; and to Charles Jones, Jr. for 3 years service on the Small Business Development Commission. (Mayor)

## **HEARD IN THE EVENING**

**Mayor Gonzales presented plaques to Lisa Gonzales for her service of 2 years and 1 month on the Housing Advisory Commission and to Charles Jones, Jr. for his service of 3 years on the Small Business Development Commission. In their absence, he commended Dawn Davis for her service of 6 years and 7 months on the Advisory Commission on Rents, to Miriam Ayllon for her service of 6 years on the Housing Advisory Commission, to Linda Starr for her service of 2 years and 6 months on the Human Rights Commission, and to Miguel Chacon for his service of 3 years on the Small Business Development Commission.**

# 2 CONSENT CALENDAR

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- 2.1 **Approval of Minutes.**  
None.

- 2.2 **Final adoption of ordinances.**

**Recommendation:** Final adoption of ordinances:

- (a) ORD. NO. 27042 – Rezones certain real property situated at the southwest corner of West San Carlos Street and Josefa Street (500 W. San Carlos Street) to CP Commercial Pedestrian Zoning District. C 03-080

**Ordinance No. 27042 adopted.**

- (b) ORD. NO. 27043 – Rezones certain real property situated on the east side of Hicks Avenue, approximately 320 feet southerly of Dry Creek Road to A(PD) Planned Development Zoning District. PDC 03-050

**Ordinance No. 27043 adopted.**

- (c) ORD. NO. 27044 – Rezones certain real property situated at the northwest corner of Blossom Hill Road and Santa Teresa Boulevard to A(PD) Planned Development Zoning District. PDC 03-075

**Ordinance No. 27044 adopted.**

- (d) ORD. NO. 27045 – Rezones certain real property situated at the north side of Story Avenue, approximately 290 feet southwesterly of Jackson Avenue to CN Commercial Neighborhood Zoning District. C 02-048

**Ordinance No. 27045 adopted.**

## 2 CONSENT CALENDAR

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### 2.2 Final adoption of ordinances. (Cont'd.)

**Recommendation:** Final adoption of ordinances:

- (e) ORD. NO. 27046 – Rezones certain real property situated at the west side of McCreery Avenue, approximately 230 feet southerly of Alum Rock Avenue to A(PD) Planned Development Zoning District. PDC 02-082

**Ordinance No. 27046 adopted.**

- (f) ORD. NO. 27047 – Rezones certain real property situated on the east side of St. Elizabeth Street, approximately 530 feet southerly of McKinley Avenue to R-M Multiple Residence Zoning District. C 03-089

**Ordinance No. 27047 adopted.**

### 2.3 Approval of an agreement for animal shelter services.

**Recommendation:**

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with the Humane Society Silicon Valley for the Humane Society to provide the month-to-month City-specific animal shelter services for the period of January 1, 2004, through June 30, 2004, at a cost to the City not to exceed \$984,000. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

**Resolution No. 71902 adopted.**

(Deferred from 12/16/03 – Item 2.15)

- (b) Report on status of the Animal Care Center Project and take appropriate actions based on information in the status report. CEQA: Negative Declaration, H01-01-003. (Public Works)

**Item 2.3(b) deferred to 1/20/04.**

### 2.4 Approval of fiscal actions for the Fairway Glen Multifamily Housing Revenue Bonds.

**Recommendation:** Adoption of a resolution:

- (a) Approving the delivery of a new credit facility for the Multifamily Housing Revenue Bonds (Fairway Glen Apartments Project) Issue A of 1985 (the "Bonds");
- (b) Approving the extension of maturity of the Bonds;
- (c) Approving the remarketing of the Bonds;
- (d) Approving in substantially final form the First Supplement to Indenture, Second Amended and Restated Indenture of Trust, Financing Agreement, Second Amendment to Regulatory Agreement, and Assignment and Intercreditor Agreement; and
- (e) Authorizing the City Manager, Director of Finance, Deputy Director of Finance, Debt & Risk Management and Director of Housing to execute and, as appropriate, to negotiate, execute, and deliver these documents and other related documents as necessary.

CEQA: Not a Project. Council District 4. (Finance/Housing)

**Resolution No. 71903 adopted.**

## 2 CONSENT CALENDAR

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### 2.5 Approval of fiscal actions for the Foxchase Drive Multifamily Housing Revenue Bonds.

**Recommendation:** Adoption of a resolution:

- (a) Approving the delivery of a new credit facility for the Multifamily Housing Revenue Bonds (Foxchase Drive Apartments Project) Issue B of 1985 (the "Bonds");
- (b) Approving the extension of maturity of the Bonds;
- (c) Approving the remarketing of the Bonds;
- (d) Approving in substantially final form the First Supplement to Indenture, Second Amended and Restated Indenture of Trust, Financing Agreement, Second Amendment to Regulatory Agreement, and Assignment and Intercreditor Agreement; and
- (e) Authorizing the City Manager, Director of Finance, Deputy Director of Finance, Debt & Risk Management and Director of Housing to execute and, as appropriate, to negotiate, execute, and deliver these documents and other related documents as necessary.

CEQA: Not a Project. Council District 9. (Finance/Housing)

**Resolution No. 71904 adopted.**

### 2.6 Approval of open purchase orders for the purchase of supplies, materials, equipment and services.

**Recommendation:** Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2003-2004 #10, and authorization for the Director of General Services to execute the purchase orders. CEQA: See memo for CEQA designation(s). (General Services)

**Approved.**

### 2.7 Approval to reject all bids for the purchase of two Sludge Dredges and re-solicit bids.

**Recommendation:** Reject all bids for the purchase of two Sludge Dredges and authorize the Director of General Services to re-solicit bids. CEQA: Not a Project. (General Services)

**Rejection of all bids was approved.**

### 2.8 Approval to award a sole source purchase of Motorola Vehicular Radio Modems.

**Recommendation:** Approval of an award to purchase 88 Motorola Vehicular Radio Modems from Motorola C& E, Inc., as a sole source purchase for a total not to exceed \$204,058.91, including sales tax and delivery, and authorization for the Director of General Services to execute the purchase order. CEQA: Not a Project. (General Services)

**Approved.**

## **2 CONSENT CALENDAR**

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### **2.9 Approval of Independent Police Auditor's travel calendar January through March 2004.**

**Recommendation:** Approval of Independent Police Auditor, Teresa Guerrero-Daley's travel calendar January through March 2004. Funding: Various outside sources.  
(Independent Police Auditor)

**Approved.**

### **2.10 Approval of a continuation agreement with the Community Foundation of Silicon Valley (CFSV).**

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute a continuation agreement with the Community Foundation of Silicon Valley (CFSV) to extend the term to December 31, 2004. CEQA: Exempt, PP03-12-383. Council District 3. SNI: University. (Parks, Recreation and Neighborhood Services)

**Resolution No. 71905 adopted.**

### **2.11 Approval of fiscal actions related to the Office of Traffic Safety Sobriety Checkpoint Program.**

**Recommendation:** Adoption of the following amendments to the annual appropriation ordinance and funding sources resolution in the General Fund as follows:

- (a) Establish an appropriation in the City-wide Expenses to the Police Department for the Office of Traffic Safety Sobriety Checkpoint Program for Local Law Enforcement Agencies Grant in the amount of \$39,920; and
  - (b) Increase the Earned Revenue Estimate from the State of California by \$39,920.
- CEQA: Not a Project. (Police/City Manager's Office)

**Ordinance No. 27048 adopted.**

**Resolution No. 71906 adopted.**

### **2.12 Approval of actions and setting a public hearing for the Annexation Area 1 into Community Facilities District No. 8 (Communications Hill).**

**Recommendation:** Adoption of a resolution of intention to annex Annexation Area 1 into Community Facilities District No. 8 (Communications Hill) and levy a special tax on land within Annexation Area 1, and setting a public hearing on February 17, 2004 at 1:30 p.m. CEQA: Negative Declaration and Addenda thereto, PP03-11-361. Council District 7. (Public Works)

**Resolution No. 71907 adopted.**

### **2.13 Approval of actions and setting a public hearing for the establishment of Rule 20A Underground Utility District on Stevens Creek Boulevard.**

**Recommendation:** Adoption of a resolution to consider the establishment of Rule 20A Underground Utility District on Stevens Creek Boulevard, between Calvert Drive and Stern Avenue, and setting a public hearing on February 10, 2004 at 1:30 p.m. CEQA: Exempt, PP03-12-375. Council District 1. (Public Works)

**Resolution No. 71908 adopted.**

## 2 CONSENT CALENDAR

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### 2.14 Approval of an agreement for the City of San José to provide surveying and map review services.

**Recommendation:** Approval of an agreement with the City of Campbell for the City of San José to provide surveying and map review services in an amount not to exceed \$225,000 in revenue, for the period January 1, 2004 through December 31, 2004. CEQA: Not a Project. (Public Works)

**Approved.**

### 2.15 Approval of the HP Pavilion Biennial Advertising Plan.

**Recommendation:** Approval of the HP Pavilion Biennial Advertising Plan, and approval of conforming amendment to the Arena Management Agreement. (San José Arena Authority)

**Approved.**

### 2.16 Approval of Council Appointee salary recommendations.

**Recommendation:** Adoption of a resolution approving Council Appointee salaries. (Mayor) (Rules in Lieu Referral 1/7/04)

**Resolution No. 71909 adopted.**

## 3 STRATEGIC SUPPORT SERVICES

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### 3.1 Report of the Study Session

**Mayor Gonzales, Chair**

**None.**

### 3.2 Report of the Rules Committee – December 17, 2003

**Vice Mayor Dando, Chair**

(a) Redevelopment Agency items reported out at Redevelopment Agency meeting

(b) City Council

(1) Review January 13, 2004 Draft Agenda

**The Committee recommended approval of the January 13, 2004 City Council agenda with two additions.**

(2) Add New Items to January 6, 2004 Amended Agenda

- Mayor and Council Member Requests
- City Manager Requests
- City Attorney Requests
- City Clerk Requests

**Dropped – Meeting Canceled**



### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee – December 17, 2003 (Cont'd.)

- (b) City Council
  - (3) List of Reports Outstanding  
**There was no report filed.**
- (c) Legislative Update
  - (1) State
    - (a) 2003 State Legislative Summary  
**The Committee accepted the Legislative Summary.**
  - (2) Federal – **There was no report.**
- (d) Meeting Schedules
  - (1) Approve the 2004-2005 Budget Study Session Schedule  
**The Committee recommended approval of the following Study Sessions to review the proposed 2004-2005 City and Redevelopment Agency budgets:**

<b>May 10, 2004</b>	<b>1-5pm</b>	<b>2004-2005 Budget Overview</b>
		<b>Study Session on CSA/Appointee Review</b>
<b>May 12, 2004</b>	<b>8:30 am – Noon</b>	<b>Study Session on CSA/Appointee Review</b>
<b>May 13, 2004</b>	<b>8:30 am – Noon</b>	<b>Study Session on Capital Improvement Program</b>
	<b>1-5pm</b>	<b>Study Session on CSA/Appointee Review</b>
<b>May 14, 2004</b>	<b>8:30 am – Noon</b>	<b>Study Session on CSA/Appointee Review</b>
<b>May 17, 2004</b>	<b>8:30 am – Noon</b>	<b>Study Session on CSA/Appointee Review</b>
<b>May 19, 2004</b>	<b>1-5pm</b>	<b>Study Session on Redevelopment Agency</b>
<b>May 20, 2004</b>	<b>8:30 am – Noon</b>	<b>Study Session on CSA/Appointee Review</b>
	<b>1-5pm</b>	<b>Study Session on CSA/Appointee Review</b>
<b>May 21, 2004</b>	<b>8:30 am – Noon</b>	<b>Study Session on CSA/Appointee Review</b>
	<b>1-5pm</b>	<b>Study Session on CSA/Appointee Review</b>

  
**The Committee also approved a Rules-In-Lieu meeting to be held January 7, 2004.**
- (e) The Public Record  
**The Committee noted and filed the Public Record.**
- (f) Appointment to Boards, Commissions and Committees – **There were none.**
- (g) Rules Committee Reviews, Recommendations and Approvals
  - (1) Report back on Labor Code requirements for payment of workers' compensation benefits  
**The Committee deferred this item to a January 2004 Rules Committee meeting.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee – December 17, 2003

- (g) Rules Committee Reviews, Recommendations and Approvals (Cont'd.)
  - (2) Approve Council Committee Workplans
    - (a) All Children Achieve  
**The Committee recommended approval of the All Children Achieve Committee workplan for the period January through June 30, 2004 and setting its meeting schedule on the second Thursday of each month at 1:30 p.m. in Room 204.**
    - (b) Building Strong Neighborhoods  
**The Committee recommended approval of the Building Strong Neighborhoods Committee workplan for the period January through June 30, 2004 and setting its meeting schedule on the third Monday of each month at 1:30 p.m. in Room 204.**
    - (c) Building Better Transportation  
**The Committee recommended approval of the Building Better Transportation Committee workplan for the period January through June 30, 2004 and setting its meeting schedule on the first Monday of each month at 1:30 p.m. in Room 204.**
    - (d) Driving a Strong Economy  
**The Committee recommended approval of the Driving a Strong Economy Committee workplan for the period January through June 30, 2004 and setting its meeting schedule on the fourth Monday of each month at 1:30 p.m. in Room 204 and other locations as noted.**
    - (e) Making Government Work Better  
**The Committee recommended approval of the Making Government Work Better Committee workplan for the period January through June 30, 2004 and setting its meeting schedule on the second Wednesday of each month at 2:30 p.m. in Room 204.**
    - (f) Rules  
**The Committee recommended approval of the Rules Committee workplan for the period January through June 30, 2004 and setting its meeting schedule each Wednesday of the month at 2:00 p.m. in Room 204.**
- (h) Oral communications – **None were presented.**
- (i) Adjournment  
**The meeting adjourned at 2:40 p.m.**

**The Rules Committee Report and Actions of December 17, 2003, were approved.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.3 Report of the Making Government Work Better Committee – December 10, 2003 Council Member Campos, Chair

- (a) External Quality Control Review including Activities and Accomplishment of the Office of the City Auditor, July 2001-June 2003  
**The Committee recommended approval of the Staff report.**
- (b) Results of the Contract Streamlining Ordinance 6-month Follow-up Report  
**The Committee recommended approval of the Staff report and requested that Staff return to the Committee in March with a follow-up report.**
- (c) San José Fire Department Bureau of Fire Prevention Audit Report  
**The Committee recommended approval of the Staff report and requested that Staff return to the Committee in March with a follow-up report.**
- (d) Oral petitions  
**Bill Garbett spoke on the Contract Streamlining Ordinance and on the Fire Prevention Audit (specifically on agricultural expenses and re-inspection fees.)**
- (e) Adjournment  
**The Committee was adjourned at 4:00 P.M.**

**The Making Government Work Better Committee Report and Actions of December 10, 2003, were approved.**

#### 3.4 San José Appeals Board interviews.

**Recommendation:** Interviews for Appeals Hearing Board to fill two three-year terms ending December 31, 2006. (City Clerk)

#### **HEARD IN THE EVENING**

**Willie James Adams (incumbent) and Joseph Gadano (Incumbent) were appointed to the Appeals Hearing Boards for three-year terms ending December 31, 2006.**

### 4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

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#### 4.1 Report of the Building Strong Neighborhoods Committee – December 15, 2003 Council Member Chavez, Chair

- (a) Review City's Neighborhood Recognition Efforts  
**Councilmembers expressed their compliments for a great presentation.**
- (b) Discussion and Strategies to Further Involve the Community in Policing Programs  
**The Committee accepted the Strategies to Further Involve the Community In Policing Program Report.**
- (c) Review and Discuss Enforcement Strategies of Anti-Graffiti & Litter Programs  
**The Committee accepted the Enforcement Strategies of Anti-Graffiti and Litter Program report.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.1 Report of the Building Strong Neighborhoods Committee – December 15, 2003 (Cont'd.)**

- (d) SNI Business Plan Final Draft  
**The Committee accepted the SNI Business Plan Overview update with the general comments and direction to Staff to provide the framework of the draft SNI Plan for Councilmembers reference to use as a tool for the budget discussions in January.**
- (e) Oral Petitions – **None.**
- (f) Adjournment  
**The meeting was adjourned at 3:20 P.M.**

**The Building Strong Neighborhoods Committee Report and Actions of December 15, 2003, were approved.**

### **4.2 Report of the Driving a Strong Economy Committee Council Member Williams, Chair None.**

### **4.3 Acceptance of the 2003 Annual Report on the General Plan.**

**Recommendation:** Acceptance of the 2003 Annual Report on the General Plan. CEQA: Not a Project. (Planning, Building and Code Enforcement)  
**Dropped.**

### **4.4 Approval to award a contract for the 13<sup>th</sup> St. Tree Planting, Street Lighting, and Sidewalk Improvements.**

**Recommendation:** Report on bids and award of contract for the construction of the 13<sup>th</sup> St. Tree Planting, Street Lighting, and Sidewalk Improvements to the low bidder, Golden Bay Construction Company, Inc., in the amount of \$675,562, and approval of a contingency in the amount of \$34,000. CEQA: Exempt, PP03-04-106. SNI: 13<sup>th</sup> Street. Council District 3. (Public Works)  
**Approved.**

## **5 RECREATION & CULTURAL SERVICES**

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### **5.1 Report of the All Children Achieve Committee Council Member Yeager, Chair None.**

## **5 RECREATION & CULTURAL SERVICES**

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### **5.2 Approval to reject and rebid for the Noble Park Play Area Renovation Project.**

**Recommendation:**

- (a) Approval to reject all bids for the Noble Park Play Area Renovation Project.  
**Approved.**
- (b) Adoption of a resolution authorizing the City Manager to award the Noble Park Play Area Renovation Rebid Project to the lowest responsive bidder, and approval of a ten percent contingency, all in an amount not to exceed the funds appropriated for the Project.

**Resolution No. 71910 adopted.**

CEQA: Exempt, PP03-09-284. Council District 4. (Public Works/Parks, Recreation and Neighborhood Services)

(Deferred from 11/25/03 – Item 2.11 et al., and 12/16/03 – Item 5.5)

### **5.3 Approval of appointment to the San José Beautiful Steering Committee and acknowledgement of the outgoing volunteer member.**

**Recommendation:**

- (a) Approval of the appointment to the San José Beautiful Steering Committee of Russ Louthian and Cindy Sanders for a two-year term effective January 2004.
- (b) Acknowledge the volunteer services of outgoing member Virginia Snyder.

CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

**Approved.**

### **5.4 Approval of actions for a grant for the Burbank/Del Monte Community Center.**

**Recommendation:** Adoption of a resolution authorizing the City Manager to submit an application for funding under the State of California Urban Park Act of 2001 grant program in the amount of \$3,000,000 for a proposed Burbank/Del Monte Community Center in Council District 6, and negotiate and execute all related documents necessary to receive the grant and, if awarded, accept the grant. CEQA: Exempt, File No. PP03-12-376. Council District 6. SNI: Burbank/Del Monte. (Parks, Recreation and Neighborhood Services)

**Resolution No. 71911 adopted.**

## **6 TRANSPORTATION SERVICES**

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### **6.1 Report of the Building Better Transportation Committee Council Member Cortese, Chair**

**None.**

## **6 TRANSPORTATION SERVICES**

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### **6.2 Public Hearing and adoption of a resolution vacating a portion of Old Bayshore Highway.**

**Recommendation:** PUBLIC HEARING and adoption of a resolution vacating a portion of Old Bayshore Highway west of North 13<sup>th</sup> Street. CEQA: Exempt, PP03-02-043. Council District 4. (Public Works)

**The Public Hearing was held and Resolution No. 71912 adopted.**

### **6.3 Public Hearing and adoption of a resolution vacating a portion of O'Nel Drive.**

**Recommendation:** PUBLIC HEARING and adoption of a resolution vacating a portion of O'Nel Drive between Guadalupe Parkway and Karina Court and reserving a public service easement over the entire area and the sidewalk easement on both sides of O'Nel Drive. CEQA: Resolution to be adopted. Council District 4. (Public Works)

**The Public Hearing was held and Resolution No. 71913 adopted.**

## **7 ENVIRONMENTAL & UTILITY SERVICES**

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## **8 AVIATION SERVICES**

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### **8.1 Approval of actions for the Airport's North Concourse Building Projects.**

**Recommendation:**

- (a) (1) Report on bids and take appropriate action based on the evaluation of bids for the Norman Y. Mineta San José International Airport North Concourse Building - Communication Cables Relocation (Package 0C), and approval of a ten percent contingency.
- (2) Approval to designate the Norman Y. Mineta San José International Airport North Concourse Building - Communication Cables Relocation (Package 0C) as a project subject to the terms of the San José International Airport Master Plan Project Labor Agreement.

CEQA: Resolution Nos. 67380 and 71451, PP 03-10-313. (Public Works/Airport)

- (b) (1) Report on bids and take appropriate action based on the evaluation of bids for the Norman Y. Mineta San José International Airport North Concourse Building, Gate A1-C Relocation Project (Package 0B), and approval of 15 percent contingency.
- (2) Approval to designate the Norman Y. Mineta San José International Airport North Concourse Building, Gate A1-C (Package 0B) as a project subject to the terms of the San José International Airport Master Plan Project Labor Agreement.

CEQA: Resolutions No. 67380 and 71451, PP 03-10-348. (Public Works/Airport)

**Deferred to 1/27/04.**

## 8 AVIATION SERVICES

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### 8.2 Approval of extensions for the Airport Taxicab Concession Agreements.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute 180-day extensions to the Airport Taxicab Concession Agreements with Yellow Checker Cab Company, Inc. and United Taxicab Corporation from March 31, 2004 to September 27, 2004, on the same terms as the current concession agreements, to ensure uninterrupted taxicab service provision. CEQA: Resolutions No. 67380 and 71451, PP03-12-372. (Airport/Transportation)

**Deferred to 1/20/04.**

## 9 PUBLIC SAFETY SERVICES

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## 10 JOINT COUNCIL/REDEVELOPMENT AGENCY

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**The Redevelopment Agency Board convened to consider Item 10.1 in a Joint Session at 1:53 P.M.**

### 10.1 Redevelopment Agency and City Council Standing Committee and Board and Commission appointments.

**Recommendation:** Approval of the Redevelopment Agency and City Council Standing Committee and Board and Commission appointments. (Mayor)  
(Rules in Lieu Referral 1/7/04)

**Approved.**

**The Redevelopment Agency Board portion of the meeting adjourned at 1:55 P.M.**

- Closed Session Report
- Notice of City Engineer's Pending Decision on Final Maps  
In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:  
**None.**  
  
In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:  
**None.**
- Open Forum—
  - (1) **Ross Signorino spoke on City Hall issues.**
  - (2) **Deborah K. Grant spoke on Homeland Security issues.**

## 11 PUBLIC HEARINGS

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(To be heard by the City Council at 7:04 p.m.)

### 11.1 Public Hearing and approval of an ordinance modifying Downtown Zoning Regulations.

**Recommendation:** PUBLIC HEARING on approval of an ordinance amending Chapter 20.70 of Title 20 of the San José Municipal Code by modifying the provisions of the Downtown Zoning Regulations. CEQA: Resolution No. 65459, PP03-05-169.

(Planning, Building, and Code Enforcement)

(Continued from 6/3/03 – Item 11.3 et al., and 12/2/03 – Item 11.1)

**HEARD CONCURRENTLY WITH ITEM 11.2**

**Continued to 3/16/04.**

### 11.2 Public hearing on Director-initiated conventional rezoning of the property located within the area generally bounded 4<sup>th</sup> Street, Interstate 280, State Route 87 (Guadalupe Parkway), and Bassett Street.

**Recommendation:** PUBLIC HEARING ON DIRECTOR-INITIATED CONVENTIONAL REZONING of the property located within the area generally bounded 4<sup>th</sup> Street, Interstate 280, State Route 87 (Guadalupe Parkway), and Bassett Street, from CG General Commercial, R-M Multiple Residence, R-2 Two-Family Residence, LI Light Industrial Districts to DC Downtown Commercial District and DC-NT 1 Downtown Commercial-Neighborhood Transition 1 Districts, to allow mixed use, commercial, and residential uses on approximately 389 gross acres. CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-2). (Planning, Building, and Code Enforcement) C 03-072 - District 3

(Continued from 10/21/03 – Item 11.9 et al., and 12/2/03 – Item 11.3)

**HEARD CONCURRENTLY WITH ITEM 11.1**

**Continued to 3/16/04.**



## 11 PUBLIC HEARINGS

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### 11.3 Public hearing on the appeal of the Planning Commission's decision to deny a Conditional Use Permit.

**Recommendation:** PUBLIC HEARING ON APPEAL of the Planning Commission's decision to deny a Conditional Use Permit for an asphalt/concrete crushing and recycling facility in the HI Heavy Industrial Zoning District, located approximately 550 feet northerly of Commercial Street and 1000 feet westerly of Berryessa Road (11711 Berryessa Road) on a 1.7 gross acre site. (Graniterock Company, Owner/Developer). CEQA: Mitigated Negative Declaration. The Director of Planning recommends: (1) overturn the Planning Commission's decision to deny the Conditional Use Permit and (2) adopt a resolution to approve a Conditional Use Permit with the inclusion of an additional condition that would require the applicant to redesign the project to be housed in a permanently enclosed and covered structure.

CP 00-009 - District 4

#### **Resolution No. 71923 adopted.**

**Recommendation was approved in the form of a memorandum from Mayor Gonzales and Council Member Reed, dated January 8, 2003, recommending approval of the Conditional Use Permit and the conditions as recommended by the Planning Director in the Staff Report to the Planning Commission, dated August 20, 2003, with the following modifications and additional conditions to provide further limits on potential impacts to the neighbors:**

- 1) Operations of the crusher are limited to the hours of 8:00 a.m. to 5:00 p.m. Monday through Friday. All other operations, such as loading, unloading or moving materials, are limited to the hours of 6:30 a.m. to 7:00 p.m., Monday through Friday, and 8:00 a.m. to 5:00 p.m., on Saturday. If the end of the nightly curfew at Norman Y. Mineta San José International Airport is changed from 6:30 a.m. to a later time, operations on the site shall not start before the end of the nightly curfew.**
- 2) The crusher operation and other equipment will have a sound barrier in the form of portable sound curtains, in place as shown on the site plan, at all times the crusher and other equipment is located on the site. The types and location of crusher and other equipment shall be such that the noise impacts are "less than significant" under the California Environmental Quality Act. In addition, portable sound curtains shall be placed on the northerly side of the crusher whenever the crusher is on site.**
- 3) Dust control measures shall include at least regular watering of materials processed, being processed or waiting to be processed, paving of travel routes and storage areas, and regular sweeping of travel routes with a street sweeper. The operation must comply with the requirements of the Bay Area Air Quality Management District and must implement and maintain Best Management Practices for dust control.**
- 4) Until the site is connected to the electrical grid, operation of the crusher shall be limited to 390 hours per year. The generator shall be contained in a van or a trailer or other vehicle and shall be muffled to minimize noise.**

## 11 PUBLIC HEARINGS

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### 11.3 Public hearing on the appeal of the Planning Commission's decision to deny a Conditional Use Permit. (Cont'd.)

- 5) The operator shall provide the neighbors with a phone number that is answered or recorded 24 hours per day for residents to call to lodge complaints and ask questions. Information about complaints and inquiries and responses and replies, whether done by phone, email or regular mail shall be collected in a log that can be made available to the public without charge, and submitted to the City upon request.
- 6) The Director of Planning shall have the ability to order an immediate halt to operations or a reduction in the hours of operation if the facility is not in substantial conformance with the requirements of the Conditional Use Permit.

Staff directed to conduct a compliance hearing in one year to allow the Planning Commission and Staff to assess compliance with all conditions contained in the recommendation and Council memorandum.

### 11.4 Public hearing on conforming rezoning of the property located at 2195 Story Road.

**Recommendation:** PUBLIC HEARING ON CONFORMING REZONING of the property located at the north side of Story Road, approximately 290 feet southwesterly of Jackson Avenue (2195 Story Road), from CP Commercial Pedestrian Zoning District to CN Commercial Neighborhood Zoning District. (Story Road LLC, Joy Belli, Owner). CEQA: Resolution No. 65459. SNI: East Valley/680 Communities. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C 03-085 - District 5

**Ordinance No. 27054 passed for publication.**

- Open Forum

None.

- Adjournment

The Council of the City of San José was adjourned at 9:13 p.m. in memory of Mrs. Henrietta Del Buono, a talented musician, artist, and cook; and in memory of Mike Triplett, Laboratory Technician in Environmental Services Department.

**JOINT CITY OF SAN JOSÉ  
CITY COUNCIL/FINANCING AUTHORITY  
AGENDA**

**1:59 P.M.**

**TUESDAY, JANUARY 13, 2004**

**CHAMBERS**

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1. **Call to Order**  
**Absent – Council Members: None.**
2. **Approval of various actions related to the New Civic Center.**
  - (a) **Recommendation:** Approval of non-construction operating start up plan and related costs for technology, furniture, and equipment to facilitate the effective and efficient operation of the New Civic Center; approval of associated financing plan; and direct staff to review options and return by July 1, 2004 with a recommendation for an interim space use plan. New Civic Center Project CEQA: Resolution No. 68905. New Civic Center Parking Garage CEQA: Resolution No. 71743. (City Manager's Office/Finance/General Services/Information Technology/Public Works)  
**Approved. Noes: LeZotte, Reed.**
  - (b) (1) Conduct a Public Hearing of the City Council concerning the approval of the financing by the City of San José Financing Authority's issuance of commercial paper and/or lease revenue bonds in order to finance certain public capital improvements of the City, consisting of an offsite parking garage for the new Civic Center and non-construction costs for technology, furniture, equipment, and relocation services for the new Civic Center;  
**The Public Hearing was held.**

**JOINT CITY OF SAN JOSÉ  
CITY COUNCIL/FINANCING AUTHORITY  
AGENDA**

**2. Approval of various actions related to the New Civic Center. (Cont'd.)**

- (b) (2) Adoption of a resolution of the City Council approving and authorizing execution of certain financing documents, and as required by Government Code Section 6586, determining that there will be significant public benefits accruing from such financing and authorizing certain related actions in connection with the financing of an offsite parking garage for the new Civic Center; technology, furniture, equipment, and relocation services for the new Civic Center; and associated financing costs;

**Resolution No. 71914 adopted. Noes: LeZotte, Reed.**

- (3) Adoption of a resolution of the City of San José Financing Authority authorizing the issuance of City of San José Financing Authority Tax-Exempt Lease Revenue Commercial Paper Notes (the “CP Notes”) in the not-to-exceed aggregate principal amount of \$98,000,000 and authorizing execution of a Trust Agreement and certain financing documents, approving an Offering Memorandum, and authorizing certain related actions;

**Resolution No. SJFA-63 adopted. Noes: LeZotte, Reed.**

- (4) Adoption of the following appropriation ordinance and funding sources resolution amendments in the Sewage Treatment Connection Fee Fund:
- (a) Increase the estimate for Earned Revenue by \$2,400,000 to reflect the repayment of the loan to the City Hall Renovation Construction Fund; and
- (b) Increase the Reserve for Treatment Plant Expansion by \$2,400,000;

**Ordinance No. 27049 adopted. Noes: LeZotte, Reed.**

**Resolution No. 71915 adopted. Noes: LeZotte, Reed.**

- (5) Adoption of the following appropriation ordinance and funding sources resolution amendments in the City Hall Renovation Construction Fund:
- (a) Increase the estimate for Earned Revenue by \$600,000 to reflect the Commercial Paper proceeds;
- (b) Establish a Loan Repayment to the Sanitary Sewer Connection Fee Fund in the amount of \$2,400,000; and
- (c) Decrease the City Hall Renovation Construction Project by \$1,800,000;

**Ordinance No. 27050 adopted. Noes: LeZotte, Reed.**

**Resolution No. 71916 adopted. Noes: LeZotte, Reed.**

**JOINT CITY OF SAN JOSÉ  
CITY COUNCIL/FINANCING AUTHORITY  
AGENDA**

**2. Approval of various actions related to the New Civic Center. (Cont'd.)**

- (6) Adoption of the following appropriation ordinance and funding sources resolution amendments to establish the Interim City Facilities Improvements Fund to account for the procurement of programming and relocation services, purchase of technology, furniture, and equipment, and improvements to existing facilities to implement the City's interim space plan and:
- (a) Increase the estimate for Earned Revenue by \$1,600,000 to reflect Commercial Paper proceeds; and
  - (b) Establish an Interim City Facilities Improvements appropriation to the General Service Department in the amount of \$1,600,000;

**Ordinance No. 27051 adopted. Noes: LeZotte, Reed.**

**Resolution No. 71917 adopted. Noes: LeZotte, Reed.**

- (7) Adoption of the following appropriation ordinance and funding sources resolution amendments in the Civic Center Construction Fund:
- (a) Increase the estimate for Earned Revenue by \$4,569,000 to reflect the Commercial Paper proceeds to fully fund the Civic Center construction project; and
  - (b) Increase the Reserve for Capital Improvements by \$4,569,000.

**Ordinance No. 27052 adopted. Noes: LeZotte, Reed.**

**Resolution No. 71918 adopted. Noes: LeZotte, Reed.**

- (b) (8) Adoption of the following appropriation ordinance and funding sources resolution amendments to establish the Civic Center Improvements Fund to account for the non-construction improvements and relocation costs associated with the new Civic Center and:
- (a) Increase the estimate for Earned Revenue by \$45,250,000 to reflect Commercial Paper proceeds;
  - (b) Establish a Civic Center Technology Improvements appropriation to the Information Technology Department in the amount of \$25,700,000;
  - (c) Establish a Civic Center Furniture, Equipment, and Relocation appropriation to the General Services Department in the amount of \$17,300,000; and
  - (d) Establish a Civic Center Non-Construction Contingency appropriation to the City Manager's Office in the amount of \$2,250,000;

**Ordinance No. 27053 adopted. Noes: LeZotte, Reed.**

**Resolution No. 71919 adopted. Noes: LeZotte, Reed.**

**JOINT CITY OF SAN JOSÉ  
CITY COUNCIL/FINANCING AUTHORITY  
AGENDA**

**2. Approval of various actions related to the New Civic Center. (Cont'd.)**

- (9) Adoption of a resolution of the City Council delegating authority to the City Manager to award or enter into the following agreements:
  - (a) Determine the responsibility of construction contractors eligible to bid, award public works contracts, enter into and amend consultant contracts, establish and manage contingency funds within the budget and enter into related change orders for the New San José Civic Center Project and Civic Center Garage Project (together, the “Civic Center Project”) in an amount not to exceed the Civic Center Project budget of \$343,000,000;
  - (b) Enter into agreements necessary to include the Civic Center Garage Project in the existing owner controlled insurance program for the New Civic Center Project; and
  - (c) Enter into contracts for public works, the purchase of technology, furniture, equipment, and relocation services for the new Civic Center, in accordance with the provisions of the San José Municipal Code and the City’s procurement policies and procedures, in an amount not to exceed \$45,250,000; and
  - (d) Enter into contracts for public works, the procurement of programming and relocation services, purchase of technology, furniture, and equipment, and improvements to existing facilities to implement the City’s interim space plan, in accordance with the provisions of the San José Municipal Code and the City’s procurement policies and procedures, in an amount not to exceed \$1,600,000.

**Resolution No. 71920 adopted. Noes: LeZotte, Reed.**

New Civic Center Project CEQA: Resolution No. 68905. New Civic Center Parking Garage CEQA: Resolution No. 71743. (City Manager’s Office/Finance/Public Works)

**Staff recommendations were approved with the direction for Staff to return to Council the next two weeks to respond to the questions and concerns raised by Council and to provide Council with a matrix pertaining to Information Technology clarifying as to when contracts need to be incurred and over what period of time as well as how much money will be spent. Staff directed to provide Council with clarification as to how much of the furniture and equipment costs are technology related and to provide a historical overview of the technology workplan and to clarify what part of the workplan is being accomplished through the actions approved today, and to clarify the technology opportunities that demonstrate the amount being saved as they relate to Green Building certification, and for Staff to provide discussion as to what criteria was used to determine the technology hardware**

**JOINT CITY OF SAN JOSÉ  
CITY COUNCIL/FINANCING AUTHORITY  
AGENDA**

2. Approval of various actions related to the New Civic Center. (Cont'd.)

**arranged for the new City Hall. Staff directed to provide a cost benefit analysis report clarifying the cost and expenditures of the proposed projects, the reduction in operation costs and the new service opportunities that will be created to help benefit the community and neighborhoods of San José. City Attorney directed to provide a status update to Council pertaining to the local preference ordinance.**

3. **Adjournment**

**The Joint City Council/Financing Authority meeting was adjourned at 4:27 p.m.**

**THE FOLLOWING RESOLUTIONS WERE ADOPTED AT THE JOINT REDEVELOPMENT AGENCY BOARD/CITY COUNCIL MEETING ON TUESDAY, JANUARY 13, 2004 AT 4:38 P.M.:**

- 7.1 **Approval of the Roosevelt Park Master Plan Amendment.**

**Recommendation:** Adoption of resolutions by the City Council and Redevelopment Agency approving the Roosevelt Park Master Plan Amendment.  
CEQA: Resolution to be adopted. **[NEIGHBORHOOD BUSINESS DISTRICT]**

**Resolution No. 71921 adopted.**  
**Agency Resolution No. 5464 adopted.**

- 7.2 **Approval of an application for grant funds for the Urban Park Act of 2001 Program for the Roosevelt Park Community Center Project.**

**Recommendation:** Adoption of a resolution by the City Council approving an application for grant funds for the Urban Park Act of 2001 Program, under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002, for the Roosevelt Park Community Center Project.  
CEQA: Resolution to be adopted. **[NEIGHBORHOOD BUSINESS DISTRICT]**

**Resolution No. 71922 adopted.**